

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION**

LEON WALTERMAN,

Movant,

vs.

UNITED STATES OF AMERICA.

No. C12-0018-LRR  
No. CR10-0053-LRR

ORDER

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This matter appears before the court on Leon Waltermán's motion to recuse (civil docket no. 13) and motion for discovery (civil docket no. 16). Leon Waltermán ("the movant") filed the former motion on May 7, 2013 and the latter motion on May 29, 2013. The government did not file a response to the motion to recuse, but the court did not order it to do so. Regarding the motion for discovery, the government filed a resistance (civil docket no. 17) on June 4, 2013. In response, the movant filed a reply (civil docket no. 18). Additionally, the government filed an amended resistance (docket no. 19) on June 18, 2013.

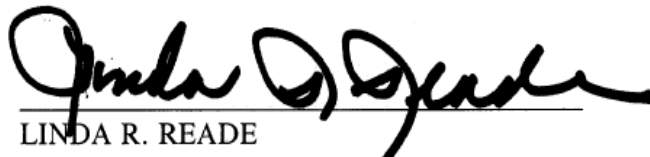
Having considered the applicable law, including but not limited to 28 U.S.C. § 455, and the record, the court concludes that recusal is not warranted. Neither the assertion regarding the relationship between the undersigned and the movant's former counsel nor the assertion about proceedings that occurred during a pre-sentencing conference call provide a basis to recuse. The fact that the undersigned occasionally socialized with the movant's attorney over twenty years ago and the fact that the undersigned occasionally interacted with the movant's attorney at professional dinners and meetings since becoming a judge do not support recusal, especially considering that those facts do not suggest a person might reasonably question the undersigned's impartiality. Similarly, any informal inquiry by the movant's attorney and the government about whether the undersigned would be receptive to

the parties' ideas concerning the resolution of disputed sentencing issues does not provide a basis to recuse. Accordingly, the defendant's motion to recuse (civil docket no. 13) is denied.

As to the motion for discovery, the court concludes that good cause is lacking and, consequently, discovery is not warranted. *See* Rule 6 of the Rules Governing Section 2255 Proceedings. Having reviewed the movant's claims in light of the record, there is no reason to permit a fishing expedition. Accordingly, the movant's motion for discovery (civil docket no. 16) is denied.

**IT IS SO ORDERED.**

**DATED** this 23rd day of August, 2013.



LINDA R. READE  
CHIEF JUDGE, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF IOWA